

UNITED STATES DISTRICT COURT

for the

District of

New Jersey

United States of America

v.

Johnny Agosto

Date of Previous Judgment: _____
(Use Date of Last Amended Judgment if Applicable)

Case No: 02-581

USM No: _____

Chester Keller - AFPD
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months is reduced to 120 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31
Criminal History Category: 111
Previous Guideline Range: 135 to 168 months

Amended Offense Level: 29
Criminal History Category: 111
Amended Guideline Range: 120 to 135 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 31 Mar 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: 4 June 2008

Effective Date: _____
(if different from order date)

[Signature]
Judge's signature

Printed name and title